

PATENT  
*HJ*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Roger Dahl et al.

Docket: P-9334.00

Serial No.: 10/034,905

Group Art: Unknown

Filed: December 28, 2001

Examiner: Unknown

Title: SYSTEM FOR PROVIDING ELECTRICAL STIMULATION TO A  
LEFT CHAMBER OF A HEART

FAX RECEIVED

Box DAC  
Assistant Commissioner for Patents  
Washington, D.C. 20231

SEP 18 2002

PETITIONS OFFICE

REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.47(a)

This is in response to the Decision Refusing Status Under 37 CFR 1.47(a) ("Decision"), mailed July 18, 2002 and having a two-month period for reply set to expire on September 18, 2002.

According to the Decision, Applicants' petition filed under 37 CFR 1.47(a), mailed April 8, 2002, was dismissed as lacking proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings) ("item (1)'), and as lacking an acceptable oath or declaration in compliance with 35 U.S.C. 115 and 116 ("item (2)').

In regards to item (1), Applicants' assert that proof that a copy of the application papers (specification, including claims, drawings, if any, and the declaration) were sent or given to the non-signing inventor for review is shown by an enclosed copy of the cover letter transmitting the application papers to the non-signing inventor.

In addition, since the refusal by the non-signing inventor was made orally to Mr. Girma Wolde-Michael, an Affidavit to that effect signed by Mr. Girma Wolde-Michael is enclosed herein.

In regards to item (2), a new declaration in compliance with 37 CFR 1.63 and 1.67, signed by all of the signing inventors on behalf of themselves and the non-signing inventor, is submitted herein.

Accordingly, it is respectfully requested that the petition be granted.

The Commissioner is hereby authorized to charge the petition fee of \$130.00 and any fee deficiencies to deposit account number 13-2546.

Respectfully submitted,

Date: September 18, 2002



Michael C. Soldner, Reg. No. 41,455  
MEDTRONIC, INC.  
7000 Central Avenue N.E.  
Minneapolis, Minnesota 55432  
(Telephone) 763-514-4842  
(Facsimile) 763-514-6982

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Roger Dahl et al.

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Washington, D.C. 20231

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**AFFIDAVIT OF GIRMA WOLDE-MICHAEL**

PETITIONS OFFICE

I, Girma Wolde-Michael declare as follows:

I am the patent attorney of record for the above-identified U.S. patent application entitled **SYSTEM FOR PROVIDING ELECTRICAL STIMULATION TO A LEFT CHAMBER OF A HEART**.

Mr. Joe Perttu is no longer a Medtronic, Inc. employee. On or about January 22, 2002, I contacted Mr. Joe Perttu to execute an Assignment of the invention to Medtronic, Inc. Mr. Joe Perttu has orally and unequivocally refused to execute the application papers. Subsequent communications with Mr. Perttu were unsuccessful because Mr. Perttu elected not to talk to me.

Attached herewith please find a copy of the letter sent to Mr. Joe Perttu on January 22, 2002, asking for him to review the application and execute the Assignment and Combined Declaration/Power of Attorney papers.

Because of the lack of cooperation on the part of Mr. Joe Perttu to execute the Assignment and Combined Declaration/Power of Attorney papers, and because of Medtronic's proprietary interest in the matter, his defying action under 37 C.F.R. §1.47, and because such action is necessary to preserve the rights of Medtronic, Inc. and to prevent irreparable damage otherwise, the Commissioner

is respectfully requested to grant agency to Medtronic, Inc. for Roger Dahl,  
Thomas M. Soukup, Arnold Thornton, Elisabeth L. Belden and John L. Sommer.

A bonafide attempt has been made to comply with the provisions of 37  
C.F.R. §1.47. The statements and declarations made are deemed acceptable  
under 37 C.F.R. §1.47, and the Commissioner is requested to deem the  
Assignment and the required papers sufficient in compliance with the applicable  
regulations.

Respectfully submitted,

Date: 09/18/02

  
Girma Wolde-Michael, Reg. No. 36,724  
MEDTRONIC, INC.  
7000 Central Avenue N.E.  
Minneapolis, Minnesota 55432  
(Telephone) 763-514-6402  
(Facsimile) 763-514-6982

**Medtronic**

Beth L McMahon  
Patent Counsel

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Law Department  
tel 763.514.3066  
fax 763.514.6982  
[beth.mcmahon@medtronic.com](mailto:beth.mcmahon@medtronic.com)

January 22, 2002

*Via Federal Express*

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SEP 18 2002

PETITIONS OFFICE

Mr. Joe Perttu  
1000 Lake Susan Hills Drive  
Chanhassen, MN 55317

RE: U.S. Patent Application entitled "Improved System for Providing Electrical Stimulation to a Left Chamber of a Heart"  
Our File: P-9334.00

Dear Mr. Perttu:

Please find attached a patent application for "Improved System for Providing Electrical Stimulation to a Left Chamber of a Heart" for which you were listed as an inventor at the time of your employment with Angeion Corporation. This application was previously reviewed in some detail, and therefore should not require any additional review at this time. Therefore, please sign and date the attached paperwork, which includes the following:

1. Assignment - This document assigns your rights in the invention to Medtronic, Inc. It needs to be signed and dated in front of a Notary Public and notarized.
2. Combined Declaration/Power of Attorney - This document declares that you are an inventor of the subject invention in the application and that you give the power of attorney to Medtronic attorneys to prosecute the invention to issue. No notarization is necessary.
3. PCT Power of Attorney - This document gives the power of attorney to Medtronic attorneys to prosecute in foreign countries. No notarization is necessary.

Please sign all documents in blue ink and return to me as soon as possible.

Mr. Joe Pertu  
January 22, 2002  
Page 2

Finally, please note that all inventions should be held in confidence, and that any communications you have with us regarding this invention should not be discussed with, or disclosed to, any unauthorized third parties. Thank you for your cooperation. We look forward to working with you on this application. Please give me a call if you have any questions or comments.

Sincerely,

MEDTRONIC, INC.

*Beth L. McMahon*

Beth L. McMahon  
Patent Attorney

BLM:mc

Enclosures

**Medtronic**

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## Facsimile Cover Sheet

**To:** Office of Petitions  
**Company:** United States Patent and  
Trademark Office

**Fax:** 703 308 6916

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**From:** Michael C. Soldner  
**Company:** Medtronic  
**Phone:** 763 514 4842  
**Fax:** 763 514 6982

SEP 18 2002

PETITIONS OFFICE

**Date:** September 18, 2002

**Pages including this  
cover page:** 13

**Comments:** In re Application of: Roger Dahl et al.  
For: SYSTEM FOR PROVIDING ELECTRICAL STIMULATION TO A  
LEFT CHAMBER OF A HEART  
Serial No.: 10/034,905  
Filed: December 28, 2001  
Attorney Docket: P9334.00

IF TELECOPY IS ILLEGIBLE OR ALL PAGES HAVE NOT BEEN RECEIVED, PLEASE CONTACT  
MOLLY CHLEBECK AT TELEPHONE (763) 514-3118 IMMEDIATELY.

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THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ON THIS TRANSMITTAL FORM. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS LISTED ABOVE VIA THE U.S. POSTAL SERVICE. THANK YOU.

DOCKET NO.: P-9334.00

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
TRANSMITTAL

In re Application of: Roger Dahl et al.  
For: SYSTEM FOR PROVIDING ELECTRICAL STIMULATION TO A LEFT CHAMBER OF A HEART  
Serial No.: 10/034,905  
Filed: December 28, 2001

CERTIFICATE OF FAX TRANSMISSION UNDER 37 CFR 1.8: I hereby certify that this TRANSMITTAL and the paper(s), as described herein, are being sent to teletel No. (703) 308-6916, Attn: Office of Petitions at the U.S. Patent and Trademark Office, Assistant Commissioner for Patents, Washington, D.C. 20231 on this 18 day of September, 2002.

Molly Chlebeck

Signature

MOLLY CHLEBECK

Printed Name

Box DAC  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

We are transmitting herewith the attached:

- Transmittal
- Request for Reconsideration of Petition
- Affidavit of Girma Wolde-Michael
- Copy of letter sent to Joe Perttu on January 22, 2002
- Executed Combined Declaration and Power of Attorney
- Return Postcard
- Please charge a petition fee under 1.17(h) of \$130.00 to Deposit Account No. 13-2546.
- Please charge any additional fees or credits to Deposit Account No. 13-2546 which may have been overlooked on this Transmittal with regard to this filing. A duplicate of this transmittal is enclosed.
- Applicant believes that no extension of time is required. However, if an extension of time is required, please consider this a petition therefor to provide for the possibility that applicant has inadvertently overlooked the need for an extension of time.

September 18, 2002

Date

Michael C. Soldner  
Michael C. Soldner, Reg. No. 41,455  
Telephone: (763) 514-4842



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ATTORNEY DOCKET: P-9334.00PATENT

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UNITED STATES PATENT APPLICATION  
COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verify believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: IMPROVED SYSTEM FOR PROVIDING ELECTRICAL STIMULATION TO A LEFT CHAMBER OF A HEART

The specification of which

is attached hereto  
 was filed on December 28, 2001 under application serial no. 10/034,905, was amended on \_\_\_\_\_ (if applicable) (in the case of a PCT-filed application) described and claimed in International no. \_\_\_\_\_ filed \_\_\_\_\_ and as amended on \_\_\_\_\_ (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119/365 of any foreign application(s) for patent or Inventor's certificate listed below and have also identified below any foreign application for patent or Inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- no such applications have been filed.
- such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC §119

COUNTRY	APPLICATION NUMBER	DATE OF FILING	DATE OF ISSUE

ALL FOREIGN APPLICATIONS, IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)

COUNTRY	APPLICATION NUMBER	DATE OF FILING	DATE OF ISSUE

I hereby claim the benefit under Title 35, United States Code, §120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §156(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING	STATUS (patented, pending, abandoned)

<sup>1</sup> § 1.56 Duty of disclosure; fraud, striking or rejection of applications.

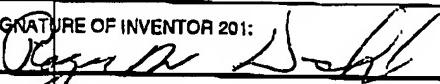
(a) A duty of candor and good faith toward the Patent and Trademark Office rests on the Inventor, on each attorney or agent who prepares or prosecutes the application and on every other individual who is substantively involved in the preparation or prosecution of the application and who is associated with the Inventor, with the assignee or with anyone to whom there is an obligation to assign the application. All such individuals have a duty to disclose to the Office information they are aware of which is material to the patentability of the application. Such information is material where there is substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent. The duty is commensurate with the degree of involvement in the preparation or prosecution of the application.

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

John W. Albrecht	Reg. No. 40,481	Paul H. McDowell	Reg. No. 34,873
Stephen W. Bauer	Reg. No. 32,192	Harold R. Paxton	Reg. No. 22,157
E. Lacy Belden	Reg. No. 50,751	Michael C. Soldner	Reg. No. 41,455
Thomas G. Berry	Reg. No. 31,736	Eric R. Waldkroetter	Reg. No. 38,713
Kenneth J. Collier	Reg. No. 34,882	Girma Wolde-Michael	Reg. No. 30,724
Curtis D. Kinghorn	Reg. No. 33,926	Thomas F. Woods	Reg. No. 36,728
Daniel W. Latham	Reg. No. 30,401		

Please direct all correspondence in this case to: Michael C. Soldner.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name of Inventor	FIRST NAME ROGER	MIDDLE INITIAL	LAST NAME DAHL
0	Residence & Citizenship	CITY ANDOVER	STATE OR FOREIGN COUNTRY MINNESOTA	COUNTRY of CITIZENSHIP US
1	Post Office Address	POST OFFICE ADDRESS 112 150 <sup>TH</sup> LANE	CITY ANDOVER	STATE/ZIP/COUNTRY MINNESOTA/55304/USA
SIGNATURE OF INVENTOR 201: 			DATE: 8/15/02	

2	Full Name of Inventor	FIRST NAME THOMAS	MIDDLE INITIAL M.	LAST NAME SOUKUP
0	Residence & Citizenship	CITY PLYMOUTH	STATE OR FOREIGN COUNTRY MINNESOTA	COUNTRY of CITIZENSHIP US
2	Post Office Address	POST OFFICE ADDRESS 12435 49 <sup>TH</sup> AVENUE NORTH	CITY PLYMOUTH	STATE/ZIP/COUNTRY MINNESOTA/55442/USA
SIGNATURE OF INVENTOR 202:			DATE:	

2	Full Name of Inventor	FIRST NAME JOE	MIDDLE INITIAL	LAST NAME PERTTU
0	Residence & Citizenship	CITY CHANHASSEN	STATE OR FOREIGN COUNTRY MINNESOTA	COUNTRY of CITIZENSHIP US
3	Post Office Address	POST OFFICE ADDRESS 1000 LAKE SUSAN HILLS DRIVE	CITY CHANHASSEN	STATE/ZIP/COUNTRY MINNESOTA/55317/USA
SIGNATURE OF INVENTOR 203:			DATE:	

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

John W. Albrecht	Reg. No. 40,481	Paul H. McDowell	Reg. No. 34,873
Stephen W. Bauer	Reg. No. 32,192	Harold R. Paxton	Reg. No. 22,157
E. Lacy Belden	Reg. No. 50,751	Michael C. Soldner	Reg. No. 41,455
Thomas G. Berry	Reg. No. 31,736	Eric R. Waldkötter	Reg. No. 36,713
Kenneth J. Collier	Reg. No. 34,982	Girma Wolde-Michael	Reg. No. 30,724
Curtis D. Kinghorn	Reg. No. 33,926	Thomas F. Woods	Reg. No. 36,728
Daniel W. Latham	Reg. No. 30,401		

Please direct all correspondence in this case to: Michael C. Soldner.

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2	Full Name of Inventor	FIRST NAME ROGER	MIDDLE INITIAL	LAST NAME DAHL
0	Residence & Citizenship	CITY ANDOVER	STATE OR FOREIGN COUNTRY MINNESOTA	COUNTRY of CITIZENSHIP US
1	Post Office Address	POST OFFICE ADDRESS 112 150 <sup>TH</sup> LANE	CITY ANDOVER	STATE/ZIP/COUNTRY MINNESOTA/55304/USA
SIGNATURE OF INVENTOR 201:			DATE:	

2	Full Name of Inventor	FIRST NAME THOMAS	MIDDLE INITIAL M.	LAST NAME SOUKUP
0	Residence & Citizenship	CITY PLYMOUTH	STATE OR FOREIGN COUNTRY MINNESOTA	COUNTRY of CITIZENSHIP US
2	Post Office Address	POST OFFICE ADDRESS 12435 49 <sup>TH</sup> AVENUE NORTH	CITY PLYMOUTH	STATE/ZIP/COUNTRY MINNESOTA/55442/USA
SIGNATURE OF INVENTOR 202:			DATE: <i>Thomas M Soukup</i> 08/13/02	

2	Full Name of Inventor	FIRST NAME JOE	MIDDLE INITIAL	LAST NAME PERTTU
0	Residence & Citizenship	CITY CHANHASSEN	STATE OR FOREIGN COUNTRY MINNESOTA	COUNTRY of CITIZENSHIP US
3	Post Office Address	POST OFFICE ADDRESS 1000 LAKE SUSAN HILLS DRIVE	CITY CHANHASSEN	STATE/ZIP/COUNTRY MINNESOTA/55317/USA
SIGNATURE OF INVENTOR 203:			DATE:	

2	Full Name of Inventor	FIRST NAME ARNOLD	MIDDLE INITIAL	LAST NAME THORNTON
0	Residence & Citizenship	CITY ROSEVILLE	STATE OR FOREIGN COUNTRY MINNESOTA	COUNTRY of CITIZENSHIP US
4	Post Office Address	POST OFFICE ADDRESS 1258 WILLOW LANE	CITY ROSEVILLE	STATE/ZIP/COUNTRY MINNESOTA/55113/USA
SIGNATURE OF INVENTOR 204:			<i>Ronald W. Thornton</i>	
			DATE: Aug 13, 2002	

2	Full Name of Inventor	FIRST NAME ELISABETH	MIDDLE INITIAL L.	LAST NAME BELDEN
0	Residence & Citizenship	CITY MAPLE GROVE	STATE OR FOREIGN COUNTRY MINNESOTA	COUNTRY of CITIZENSHIP US
5	Post Office Address	POST OFFICE ADDRESS 9032 MERRIMAC LANE NORTH	CITY MAPLE GROVE	STATE/ZIP/COUNTRY MINNESOTA/55311/USA
SIGNATURE OF INVENTOR 205:			DATE:	

2	Full Name of Inventor	FIRST NAME JOHN	MIDDLE INITIAL L.	LAST NAME SOMMER
0	Residence & Citizenship	CITY COON RAPIDS	STATE OR FOREIGN COUNTRY MINNESOTA	COUNTRY of CITIZENSHIP US
6	Post Office Address	POST OFFICE ADDRESS 12788 IBIS STREET NW	CITY COON RAPIDS	STATE/ZIP/COUNTRY MINNESOTA/55448/USA
SIGNATURE OF INVENTOR 206:			DATE:	

This is the final page of this declaration

2	Full Name of Inventor	FIRST NAME ARNOLD	MIDDLE INITIAL	LAST NAME THORNTON
0	Residence & Citizenship	CITY ROSEVILLE	STATE OR FOREIGN COUNTRY MINNESOTA	COUNTRY of CITIZENSHIP US
4	Post Office Address	POST OFFICE ADDRESS 1258 WILLOW LANE	CITY ROSEVILLE	STATE/ZIP/COUNTRY MINNESOTA/55113/USA
SIGNATURE OF INVENTOR 204:				DATE:

2	Full Name of Inventor	FIRST NAME ELISABETH	MIDDLE INITIAL L.	LAST NAME BELDEN
0	Residence & Citizenship	CITY MAPLE GROVE	STATE OR FOREIGN COUNTRY MINNESOTA	COUNTRY of CITIZENSHIP US
5	Post Office Address	POST OFFICE ADDRESS 9032 MERRIMAC LANE NORTH	CITY MAPLE GROVE	STATE/ZIP/COUNTRY MINNESOTA/55311/USA
SIGNATURE OF INVENTOR 205:				DATE: <i>August 26, 2002</i>

2	Full Name of Inventor	FIRST NAME JOHN	MIDDLE INITIAL L.	LAST NAME SOMMER
0	Residence & Citizenship	CITY COON RAPIDS	STATE OR FOREIGN COUNTRY MINNESOTA	COUNTRY of CITIZENSHIP US
6	Post Office Address	POST OFFICE ADDRESS 12788 IBIS STREET NW	CITY COON RAPIDS	STATE/ZIP/COUNTRY MINNESOTA/55448/USA
SIGNATURE OF INVENTOR 206:				DATE: <i>August 19, 02</i>

X This is the final page of this declaration